

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSH AUXIER and COLEEN AUXIER,

Plaintiff,

v.

SUTTELL & HAMMER, P.S.;
FREDERICK J. HANNA &
ASSOCIATES, P.C.; NORTHSTAR
LOCATION SERVICES, LLC; and FIA
CARD SERVICES, N.A a/k/a BANK OF
AMERICA,

Defendants.

CASE NO. C12-288MJP

ORDER GRANTING DEFENDANT
FREDERICK J. HANNA &
ASSOCIATES' MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on the motion for summary judgment filed by Defendant Frederick J. Hanna & Associates, P.C. (Dkt. No. 33.) Having reviewed the motion and the remaining record, the Court GRANTS the motion.

Local Rule LCR 7(b) explains that "Each party opposing [a] motion shall, within the time prescribed in LCR 7(d), file with the clerk, and serve on each party that has appeared in the action, a brief in opposition to the motion, together with any supporting material" LCR 7(b).

1 Here, Defendant Frederick J. Hanna & Associates, P.C. filed its motion for summary judgment
2 on October 11, 2012. (Dkt. No. 33.) Pursuant to Local Rule LCR 7(d)(3), Plaintiffs' opposition
3 brief was due on October 29, 2012. Local Rule LCR 7(b) explains, "If a party fails to file papers
4 in opposition to a motion, such failure may be considered by the court as an admission that the
5 motion has merit." LCR 7(b). Because Plaintiffs have not filed any opposition, the Court deems
6 Plaintiffs' failure to be an admission the motion has merit. The motion for summary judgment is
7 therefore GRANTED and Plaintiffs' action against Defendant Frederick J. Hanna & Associates,
8 P.C. is DISMISSED with prejudice.

9 The clerk is ordered to provide copies of this order to Plaintiffs and to all counsel.

10 Dated this 19th day of December, 2012.

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14 Marsha J. Pechman
United States District Judge